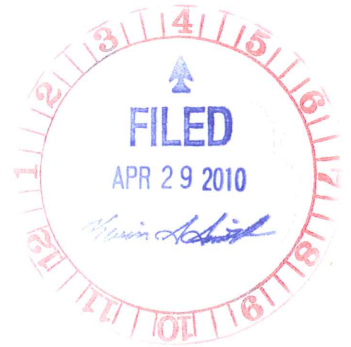


In the
Indiana Supreme Court



IN THE MATTER OF THE)
)
APPROVAL OF LOCAL RULES)
)
FOR HAMILTON COUNTY)

Case No. *29500-1005-MS-227*

ORDER APPROVING AMENDED LOCAL RULE

The Judges of the Hamilton Circuit and Superior Courts request the approval of an amended local rule for court reporter services in accordance with Ind. Administrative Rule 15. Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Hamilton Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR29-AR15-109 complies with the requirements of Ind. Administrative Rule 15, and, accordingly, should be approved and posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rule LR29-AR15-109 for Hamilton County Courts, set forth as an attachment to this Order, is approved retroactive to January 1, 2010. The Clerk of this Court is further directed to forward a copy of this Order to the Hon. Paul A. Felix, Hamilton Circuit Court, One Hamilton Square, #337, Noblesville, 46060-2652; the Hon. Steven R. Nation, Hamilton Superior Court 1, One Hamilton Square, #345, Noblesville, 46060-2232; the Hon. Daniel J. Pfleging, Hamilton Superior Court 2, One Hamilton Square, #384, Noblesville, 46060-2614; the Hon. William J. Hughes, Hamilton Superior Court 3, One Hamilton Square, #311, Noblesville, 46060-2614; the Hon. J. Richard Campbell, Hamilton Superior Court 4, One Hamilton Square, #292, Noblesville, 46060-2614; the Hon. Wayne A. Sturtevant, Hamilton Superior Court 5, One Hamilton Square, #297, Noblesville, 46060-2232; the Hon. Gail Z. Bardach,

Hamilton Superior Court 6, One Hamilton Square, #215, Noblesville, 46060-2614; to the Clerk of the Hamilton Circuit Court; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Hamilton Circuit Court is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 29th day of April, 2010.

RT Shepard
Randall T. Shepard
Chief Justice of Indiana

LR29-AR15-109. Court Reporters and Procedures

109.10 The Official Court Reporter serving each court has not only the duties assigned by the Court she or he serves but also certain statutory duties. The purpose of this Rule is to establish personnel policies relating to the Court Reporters' special duties.

109.15 Definitions:

a. "Court Reporter" is a person who is specifically designated by a court to perform the official court reporting services for the Court including preparing a transcript of the record.

b. "Equipment" means all physical items owned by the Court or other governmental entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes and any other device used for recording and storing, and transcribing electronic data.

c. "Work space" means that portion of the Court's facilities dedicated to each court reporter, including but not limited to actual space in the courtroom and any designated office space.

d. "Page" means the page unit of a transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.

e. "Recording" means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.

f. "Regular hours" worked means those hours which the Court is regularly scheduled to work during any given work week. Hamilton County required work hours are 37-1/2 per week.

g. "Gap hours" worked means those hours worked that are in excess of the regular hours worked but hours not in excess of forty (40) hours per work week.

h. "Overtime hours" worked means those hours worked in excess of forty (40) hours per work week.

I. "Work week" means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year, i.e., Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.

j. "Court" means the particular court for which the court reporter performs services. Court may also mean a group of courts, i.e., county courts.

k. "County indigent transcript" means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.

l. "State indigent transcript" means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a court.

m. "Private transcript" means a transcript, including but not limited to a deposition transcript, that is paid for by a private party.

109.20 A court reporter shall be permitted to type transcripts of official court proceedings during county compensated hours. Equipment and supplies shall be used for the recording and/or preparation of such transcripts. If the recording or preparation of such transcripts requires overtime, such court reporter will be either paid overtime or given compensatory time.

109.25 A court reporter shall be paid an annual salary for time spent working under the control, direction, and direct supervision of the court during all regular work hours, gap hours, or overtime hours.

109.30 The amount of the annual salary of each court reporter shall be set by each court subject to the approval of the Hamilton County Council.

109.35 The annual salary paid to the court reporter shall be for a fixed scheduled 37-1/2 regular working hours per week.

109.40 The court reporter shall, if requested or ordered, prepare any transcript during regular working hours.

109.45 In the event that preparing a transcript could not be completed during regular working hours, a court reporter shall be entitled to additional compensation beyond regular salary under the two options set forth below:

- a. Gap hours shall be paid in the amount equal to the hourly rate of the annual salary; and overtime hours shall be paid in the amount of 1-1/2 times the hourly rate of the annual salary; or
- b. Compensatory time off from regular work hours shall be given in the amount equal to the number of gap hours worked; and compensatory time off from regular work hours shall be given in the amount of 1-1/2 times the number of overtime hours worked.

109.50 Each court and each court reporter may freely negotiate between themselves as to which of the two options may be utilized and the Court and court reporter shall enter into a written agreement designating the terms of such agreement.

109.50 A court reporter may charge \$3.75 per page for county and state indigent transcripts. A court reporter shall submit directly to the county a claim for preparation of county indigent transcripts.

109.55 A court reporter may, at the request of another official court reporter, agree to prepare court proceedings of another court. Such preparation shall not be done on county compensated hours, but county equipment and supplies may be used.

109.60 In addition, a court reporter may do private recording or preparation of depositions, but a court reporter shall not do any recording or preparation of private depositions during county- compensated hours, and county equipment and supplies shall not be used for recording or preparation of such depositions.

109.65 A court reporter may charge a maximum of \$3.75 per page for a transcript prepared for a private party; i.e., either a hearing transcript or deposition transcript.

109.70 The court reporter shall report on an annual basis to the State Court Administrator all transcript fees, whether county indigent, state indigent, or private received by the court reporter.

109.75 Modification of this policy may be made to meet the security, scheduling or other unique needs of a particular case. Any modification shall be by written order of the Court. An individual requesting modification of this policy should provide the Court a factual and/or legal basis for such request and specifically set forth what items are being requested. (**Form AR15-109**).